

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 21, 2004**

**IN RE:**

**PETITION FOR APPROVAL OF AMENDMENT TO  
THE INTERCONNECTION AGREEMENT BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, INC. AND  
SPRINT COMMUNICATIONS COMPANY LIMITED  
PARTNERSHIP AND SPRINT COMMUNICATIONS  
COMPANY, L.P.**

**DOCKET NO.  
04-00223**

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**ORDER APPROVING  
FIRST AMENDMENT TO THE INTERCONNECTION AGREEMENT**

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This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 13, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Sprint Communications Company Limited Partnership and Sprint Communications Company, L.P. (collectively "Sprint CLEC").

The original interconnection agreement between these parties was filed on January 24, 2002, in Docket No. 00-00691<sup>1</sup> and by operation of Section 252(e)(4) of the Telecommunications Act of 1996 the interconnection agreement was deemed approved on April 24, 2002.<sup>2</sup> The first amendment, which is the subject of this docket, was filed on July 22, 2004.

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<sup>1</sup> In Docket No. 00-00691, the *Order* listed only Sprint Communications Company L P in the style. The style should have reflected both Sprint Communications Company Limited Partnership and Sprint Communications Company, L P.

<sup>2</sup> See *In re Petition of Sprint Communications Company L P for Arbitration with BellSouth Telecommunications, Inc Pursuant to Section 252(b) of the Telecommunications Act of 1996*, Docket No. 00-00691, *Order* (March 28, 2002).

Based upon a review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.

3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity." Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>3</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the first amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Sprint Communications Company Limited

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<sup>3</sup> See 47 U.S.C. § 252(e)(2)(B)

Partnership and Sprint Communications Company, L.P. is approved and is subject to the review of the Authority as provided herein.

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Pat Miller, Chairman

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Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read "Sara Kyle", written over a horizontal line.

Sara Kyle, Director